

Barrett Brewer

From: Barrett Brewer
Sent: Saturday, December 15, 2018 12:51 PM
To: Lisa_Richberg@scd.uscourts.gov; Katie Mellen
Cc: adam@kmlawsc.com; John McElwaine; Merritt Abney
Subject: RE: Micfo LLC v Larkin et al 2:18cv1653 DCN

I can't recall if I responded to this or not, but I meant to on Friday. I actually was in communication with plaintiffs attorney on Thursday or Friday about this very issue, asking them what they thought the timeline was for their final review of the documents. The discussion that we had, in the agreement that I believe the parties have reached, so long as the Court consents, is that the plaintiffs will review the ESI production, which both defendants have currently complied with. Upon reviewing the same, they will determine whether or not we can reach an agreement to resolve this case or not. If we cannot reach an arrangement resolve this case, that we will need to work with the Court on the scheduling order to include deadlines for the defendants responses to plaintiff's outstanding motion to dismiss as well as a time to argue the same.

If you have any questions about this please not hesitate to call me. Thank you so much for reaching out and I hope this answers your questions.

Barrett

From: Lisa_Richberg@scd.uscourts.gov <Lisa_Richberg@scd.uscourts.gov>
Sent: Thursday, December 13, 2018 11:31 AM
To: Katie Mellen <katie.mellen@nelsonmullins.com>
Cc: adam@kmlawsc.com; Barrett Brewer <barrett@brewerlawfirmssc.com>; John McElwaine <john.mcelwaine@nelsonmullins.com>; Merritt Abney <merritt.abney@nelsonmullins.com>
Subject: RE: Micfo LLC v Larkin et al 2:18cv1653 DCN

Dear counsel,

At your earliest convenience, would you let me know the status of this matter, please? Thank you.

Best regards,

Lisa Richberg, Judicial Assistant
Chambers of Honorable David C. Norton
United States District Court
(843) 579-1450

From: Katie Mellen <katie.mellen@nelsonmullins.com>
To: "Lisa_Richberg@scd.uscourts.gov" <Lisa_Richberg@scd.uscourts.gov>
Cc: John McElwaine <john.mcelwaine@nelsonmullins.com>; Merritt Abney <merritt.abney@nelsonmullins.com>; "adam@kmlawsc.com" <adam@kmlawsc.com>; "barrett@brewerlawfirmssc.com" <barrett@brewerlawfirmssc.com>
Date: 11/01/2018 03:17 PM
Subject: RE: Micfo LLC v Larkin et al 2:18cv1653 DCN

Lisa, by way of a status update, the parties are still working together to complete the review of the results of the forensic examination of Defendant's devices and accounts. The project as a whole is taking more time than anticipated and the parties are in agreement that the abeyance of the currently pending motions should be extended beyond November 9 as originally requested. Please let us know if an extension of the abeyance by three weeks, until November 30, is acceptable to the Court. We hope that will be sufficient time for the parties to complete this project which may aid in early resolution of this case. Thank you, and we are happy to provide additional information if needed.

Katie Mellen

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From: Katie Mellen
Sent: Friday, October 12, 2018 10:39 AM
To: John McElwaine <john.mcelwaine@nelsonmullins.com>; Lisa Richberg@scd.uscourts.gov; Merritt Abney <merritt.abney@nelsonmullins.com>; adam@kmlawsc.com; barrett@brewerlawfirm.com
Subject: RE: Micfo LLC v Larkin et al 2:18cv1653 DCN

Lisa, we anticipate the motions will need to be held in abeyance for 4 weeks, until Friday, November 9, to allow for the completion of the forensic examination of devices and accounts and review of the results. We will touch base with the Court if it seems the project is taking more or less time than anticipated. Please let us know if this is acceptable, or if you need any additional information.

Thank you,

Katie Mellen

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From: John McElwaine
Sent: Wednesday, October 10, 2018 12:34 PM
To: Lisa Richberg@scd.uscourts.gov; Katie Mellen <katie.mellen@nelsonmullins.com>; Merritt Abney <merritt.abney@nelsonmullins.com>; adam@kmlawsc.com; barrett@brewerlawfirm.com
Subject: RE: Micfo LLC v Larkin et al 2:18cv1653 DCN

Dear Lisa,

We have a call with the forensic investigator this afternoon and will be sure to cover this topic with him. We will be back with you on this issue.

Kind regards,

John

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From: [Lisa Richberg@scd.uscourts.gov](mailto:Lisa_Richberg@scd.uscourts.gov) [mailto:Lisa_Richberg@scd.uscourts.gov]
Sent: Wednesday, October 10, 2018 11:05 AM
To: John McElwaine <john.mcelwaine@nelsonmullins.com>; Katie Mellen <katie.mellen@nelsonmullins.com>; Merritt Abney <merritt.abney@nelsonmullins.com>; adam@kmlawsc.com; barrett@brewerlawfirm.com
Subject: Micfo LLC v Larkin et al 2:18cv1653 DCN

Dear counsel,

Judge Norton agrees to hold the pending motions in abeyance while the electronic devices are examined. Do the parties have a deadline in mind for this abeyance? Thank you!

Best regards,

Lisa Richberg, Judicial Assistant
Chambers of Honorable David C. Norton
United States District Court
(843) 579-1450

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